

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

VANDERLEI RODRIGUES DeARAUJO,

a/k/a "Neneco,"

Defendant,

) Criminal No. 19cr10210
)
) Violations:
)
) Counts One and Two:
) Alien in Possession of
) Firearm and Ammunition
) (18 U.S.C. § 922(g)(5)(A))
)
) Count Three: Dealing in Firearms
) Without a License
) (18 U.S.C. § 922(a)(1)(A))
)
) Count Four: Unlawful Reentry of
) Deported Alien
) (8 U.S.C. § 1326)
)
) Forfeiture Allegation:
) (18 U.S.C. § 924(d);
) 28 U.S.C. § 2461(c))

INDICTMENT

COUNT ONE

Alien in Possession of Firearm and Ammunition
(18 U.S.C. § 922(g)(5)(A))

The Grand Jury charges:

On or about September 6, 2018, at Malden, in the District of Massachusetts, the defendant,

VANDERLEI RODRIGUES DeARAUJO, a/k/a "Neneco,"

then being an alien illegally and unlawfully in the United States, did knowingly possess, in and affecting commerce, a firearm and ammunition, that is, a Lorcin Model L32, .32 caliber pistol bearing serial #012717 and 27 rounds of Remington .32 caliber ammunition.

All in violation of Title 18, United States Code, Section 922(g)(5)(A).

COUNT TWO

Alien in Possession of Firearm and Ammunition
(18 U.S.C. § 922(g)(5)(A))

The Grand Jury further charges:

On or about January 28, 2019, at Malden, in the District of Massachusetts, the defendant,

VANDERLEI RODRIGUES DeARAUJO, a/k/a “Neneco,”

then being an alien illegally and unlawfully in the United States, did knowingly possess, in and affecting commerce, a firearm and ammunition, that is, a Colt, Model 1908, .380 caliber pistol bearing serial #134191 and 50 rounds of CCI .38 caliber ammunition.

All in violation of Title 18, United States Code, Section 922(g)(5)(A).

COUNT THREE:
Dealing in Firearms Without a License
(18 U.S.C. § 922(a)(1)(A))

The Grand Jury further charges:

At various times unknown to the Grand Jury, but at least from September 6, 2018 and continuing to at least January 28, 2019, in Malden and elsewhere in the District of Massachusetts, the defendant,

VANDERLEI RODRIGUES DeARAUJO, a/k/a “Neneco,”

not being a licensed importer, manufacturer and dealer under the provisions of Chapter 44 of Title 18, United States Code, did willfully engage in the business of dealing in firearms.

All in violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNT FOUR:
Unlawful Reentry of Deported Alien
(8 U.S.C. § 1326)

The Grand Jury further charges:

On or about May 29, 2019, in or about Malden, in the District of Massachusetts, the defendant,

VANDERLEI RODRIGUES DeARAUJO, a/k/a “Neneco,”

being an alien and having been excluded, removed, and deported from the United States on or about August 18, 2011, was found in the United States without having received the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States.

All in violation of Title 8, United States Code, Section 1326(a); and Title 6, United States Code, Sections 202(3)-(4), and 557.

FORFEITURE ALLEGATION
(18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c))

1. Upon conviction of one or more of the offenses in violation of Title 18, United States Code, Section 922(g)(5) and Title 18, United States Code, Section 922(a)(1)(A) set forth in Count One, Two and Three of this Indictment, the defendant,

VANDERLEI RODRIGUES DeARAUJO, a/k/a "Neneco,"

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in any knowing commission of the offense. The property to be forfeited includes, without limitation:

- a. Lorcin Model L32, .32 caliber pistol bearing serial #012717,
- b. 27 rounds of Remington .32 caliber ammunition,
- c. Colt Model 1908, .380 caliber pistol bearing serial #134191, and,
- d. 50 rounds of CCI .38 caliber ammunition.

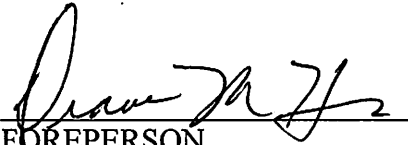
2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant –

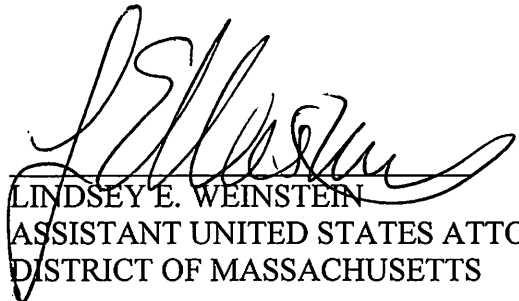
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461.

A TRUE BILL


FOREPERSON


LINDSEY E. WEINSTEIN
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: JUNE 20, 2019
Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK

6/20/2019

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